

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

**JANE DOE and her parents,  
JOHN & MARY DOE**

**CIVIL ACTION NO.**

**VS.**

**JUDGE:**

**EDOUARD D'ESPALUNGUE D'ARROS**

**MAGISTRATE JUDGE:**

**JURY TRIAL REQUESTED**

**COMPLAINT**

Plaintiffs Jane Doe and her parents, John and Mary Doe, proceeding under pseudonyms, bring this action against Defendant Edouard d'Espalungue d'Arros ("d'Espalungue"), and allege:

**PARTIES**

1. Plaintiff Jane Doe is a single female of the age of majority. Plaintiffs John and Mary Doe are the biological parents of Jane Doe. All plaintiffs reside in Lafayette, Louisiana and are citizens of the State of Louisiana and the Lafayette Division of the Western District.

2. Defendant, Edouard d'Espalungue d'Arros is a single male of the age of majority who was a graduate student at Louisiana State University at the time of these events. On information and belief, d'Espalungue is a subject of a foreign state, France, and is not lawfully admitted for permanent residence in the United States.

### **CONFIDENTIALITY**

3. Plaintiff Jane Doe is the victim of a sex offense – rape – perpetrated by defendant, and hereby elects not to waive her right to confidentiality pursuant to Article I, §25 of the Louisiana Constitution and the Louisiana Crime Victims’ Rights Laws, including but not limited to La. R.S. 46:1841 and §1844 (W)(1)(a). Plaintiffs are therefore proceeding under pseudonyms in order to protect the identity of Jane Doe and provide for her safety and welfare.

4. Pursuant to La. R.S. 46:1844(W)(1)(a), Plaintiffs request that all public officials, officers and public agencies, including but not limited to all law enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court, the Crime Victims Reparations Board, and the Department of Social Services or any division thereof, not publicly disclose their names, addresses, or identity.

### **JURISDICTION AND VENUE**

5. Plaintiffs are citizens of the State of Louisiana for purposes of jurisdiction under 28 U.S.C. §1332.

6. Defendant is a subject of a foreign state and has not been lawfully admitted for permanent residence in the United States and is therefore not domiciled in Louisiana. 28 U.S.C. §1332 (a) (2).

7. This court has original subject matter jurisdiction with respect to this action pursuant to 28 U.S.S. §1332(a) (2) as this is a suit between citizens of

Louisiana and a citizen or subject of a foreign state who is not lawfully admitted for permanent residence in the United States, and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

8. Venue for this action lies in this Court pursuant to 28 U.S.C. §1391(b) (2) because the rape occurred in the Western District of Louisiana. Further, since d’Espalungue is a foreign national and is not a resident of the United States, he may be sued in any judicial district under 28 USC §1391(c) (3).

9. In the interests of justice, the Lafayette Division of this district is the proper venue, even though the rape occurred in Rapides Parish, within the Alexandria Division. All plaintiffs reside in Lafayette, as do all of Jane Doe’s treating therapists, and all key witnesses, including the other ULL students who attended the weekend retreat and possess prescient facts, as well as, the Catholic priest who accompanied them, gave talks at the retreat and called police immediately after the rape occurred.

### **STATUTE OF LIMITATIONS**

10. Pursuant to La. Civ. Code art. 3496.2, this action is timely filed as delictual actions against a person for any act of sexual assault, as defined in La. R.S. 46:2184,<sup>1</sup> is subject to a liberative prescription of three years from the day the

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<sup>1</sup> La. R.S. 46:2184 states, “For purposes of this Chapter, ‘sexual assault’ means any nonconsensual sexual contact

injury or damage is sustained (herein: September 30, 2018).

**FORCIBLE RAPE, PHYSICAL BATTERY, INTENTIONAL AND RECKLESS INFLICTION OF EMOTIONAL DISTRESS, DURESS**

11. Plaintiff Jane Doe was 21 years of age and a senior at the University of Louisiana at Lafayette (ULL), when she decided to attend a weekend retreat with fellow ULL Catholic students (“Ragin’ Cajun Catholics”) at Tall Timbers Baptist Conference Center near Forest Hill, Rapides Parish, Louisiana, on the weekend of September 28-30, 2018.

12. Defendant Edouard d’Espalungue d’Arros was a 28-year-old French national graduate student at Louisiana State University (LSU-BR) at the time. Upon information and belief, d’Espalungue attended the conference at the invitation of his then-18-year-old girlfriend who was also a member of Ragin’ Cajun Catholics.

13. Jane Doe and d’Espalungue met on the first evening of the retreat, Friday, September 28, 2018, and had several conversations over the weekend. D’Espalungue concealed from plaintiff and other retreat participants that he was in a relationship with the 18-year-old student.

14. In the early morning hours of Sunday, September 30, 2018, Jane Doe

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including but not limited to any act provided in R.S. 15:541(24). The latter provision includes La. R.S. 14:41 (rape), R.S. 14:42 (aggravated or first-degree rape), R.S. 14:42.1 (forcible or second-degree rape), R.S. 14:43 and (simple or third-degree rape), and R.S. 14:43.1 (sexual battery).

and d’Espalungue were walking back to the Tall Timbers activity center from the boat dock area of the facility when d’Espalungue suddenly and without her consent brought Jane Doe to the ground onto her back, got on top of her, pulled down her leggings and his own athletic shorts and proceeded to rape her<sup>2</sup>, all while Jane Doe was crying and telling him no. During the rape, d’Espalungue pinned Jane Doe’s right hand to the ground above her head and held her left arm and wrapped it around his own back.

15. Jane Doe immediately reported the rape to others attending the retreat, and two Rapides Parish Sheriff’s deputies came to investigate within one or two hours of the rape.

16. After interviewing witnesses, including Jane Doe and d’Espalungue, the officers arrested D’Espalungue and charged him with sexual battery. Once the case was turned over to detectives and a further investigation was done, d’Espalungue was re-arrested on charges of second-degree rape on October 4, 2018.

17. These rape charges are currently under pending criminal investigation by the District Attorney for the 9<sup>th</sup> Judicial District Court, Rapides Parish.

18. The acts of rape, sexual assault, forcible touching, assault, battery,

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<sup>2</sup> The rape involved vaginal sexual intercourse with full penetration and ejaculation.

intentional and reckless infliction of emotional distress, duress, and false imprisonment have caused immeasurable damage to plaintiffs, which Defendant is obligated to repair under La. Civ. Code art. 2315.

19. As a direct and proximate result of the sexual assault and rape committed by d'Espalungue, Plaintiff, Jane Doe, has suffered injuries, damages and losses in the past and is expected to suffer continuing injuries, damages and losses in the future for *inter alia*: physical pain and suffering, extreme mental anguish and emotional distress, disruption of her academic career; as well as recurrent past and anticipated future expenses for psychological counseling and therapy, loss of enjoyment of life and curtailment of family activities.

20. As a direct and proximate result of the sexual assault and rape of their daughter, John and Mary Doe are entitled to assert and hereby assert a loss of consortium claim under La. Civ. Code art. 2315(B) and 2315.2 for injuries inflicted upon their daughter which have and will proximately cause them to experience immeasurable injury to and alienation of their relationship with Jane Doe, including, but not limited to, loss of love and affection, companionship, curtailment of family activities and a diminished ability to interact openly with their daughter. Plaintiffs, John and Mary Doe, have also incurred past and are anticipated to incur future medical, and therapy expenses and other incidental costs arising from Defendant's recklessly indifferent and intentional conduct.

21. The conduct of Defendant, D’Espalungue demonstrates willful, reckless and intentional conduct that raises a conscious indifference to consequences. At the appropriate time in this litigation, Plaintiffs will amend their complaint to assert a claim for punitive damages against Defendant in order to punish him for his actions and to deter Defendant and others from repeating such conduct.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs pray for judgment against Defendant, Edouard d’Espalungue d’Arros and for the following relief:

A. That judgment be entered against Defendant for special damages, compensatory damages, and punitive damages in an amount which shall be shown to be reasonable and just by the evidence and in excess of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interests and costs;

B. That all costs of this action be assessed against Defendant, including all reasonable attorney’s fees, costs and expenses of this action;

C. That an order of protection in favor of Plaintiffs as victims of sex offenses be issued and that all associated with this matter be required to insure their anonymity and protect them from harm and harassment from Defendant and his agents, representatives and associates; and

D. Such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Plaintiffs demand a trial by jury of all issues properly triable by jury in this action.

Dated: February 22, 2021

Respectfully submitted,

**MILDRED E. METHVIN, LLC**

*s/ Mildred E. Methvin*

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